

1 BILL NO. S-80-03- 157

2 SPECIAL ORDINANCE NO. S-~~85~~ 25-80

3  
4 AN ORDINANCE amending Chapter 24 of the  
5 Municipal Code of the City Fort Wayne,  
6 Indiana, of 1974 by deleting a section  
of Article VII and by deleting Article  
IX in its entirety.

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
8 WAYNE, INDIANA:

9 SECTION 1. That Chapter 24 of the Municipal Code of the  
10 City of Fort Wayne, Indiana of 1974, as amended by Special  
11 Ordinance No. S-155-78, adopted September 12, 1978 is amended  
12 as follows:


13 a By deleting the section of Article VII thereof entitled  
14 "Zone Surcharge"; and

15 b By deleting Article IX thereof in its entirety.

16 SECTION 2. That this Ordinance shall be effective upon  
17 passage and approval by the Mayor.

18  
19   
20 Councilman

21  
22 Approved as to form and  
23 legality March 10, 1980.

24  
25   
26 JOHN E. HOFFMAN  
City Attorney

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: \_\_\_\_\_

CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED (~~DOOT~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>X</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 3-11-80

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. A-25-80 on the 11th day of March, 1980.

ATTEST:  
Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)  
Vivian J. Schmidt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1980, at the hour of 3:00 o'clock P. M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 13th day of March 1980, at the hour of 9 o'clock A M., E.S.T.

Winfield C. Moses, Jr.  
WINFIELD C. MOSES, JR.  
MAYOR

SUSPENSION OF RULES

BILL NO. A-80-03-15

COUNCILMAN Burns, MOVED TO SUSPEND THE RULES ON THE  
PASSAGE OF BILL NO. A-80-03-15, AT THE MEETING OF THE  
COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA HELD ON Tuesday  
THE 11th DAY OF March, 19 80. SAID MOTION WAS  
SECONDED BY COUNCILMAN Eisbart, AND DULY PASSED BY  
UNANIMOUS VOTE OF ALL LEGALLY ELECTED MEMBERS OF THE COMMON COUNCIL. THE  
ABOVE BILL NO. A-80-03-15 WAS THEN PLACED ON PASSAGE.

DATE: 3-11-80

CHARLES W. WESTERMAN - CITY CLERK

Vivian L. Schmidt  
PRESIDING OFFICER

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>BURNS</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>EISBART</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>GIAQUINTA</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>NUCKOLS</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHMIDT, D.</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHMIDT, V.</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHOMBURG</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>STIER</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>TALARICO</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,  
AS Special Ordinance No. A-

ATTEST:

(SEAL)

DATE: 3-12-80

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

*City of Atlanta*

*80-03-15*

DIGEST OF BILL

TITLE OF ORDINANCE :

Ordinance Amending Chapter 24 of the Municipal Code of 1974.

DEPARTMENT REQUEST-  
ING ORDINANCE:

Board of Public Works

SYNOPSIS OF ORDINANCE:

Amends Chapter 24 by deleting a section of Article VII and all of Article IX to eliminate surcharge of 36% on charges for sewage disposal of users located outside the city limits of Fort Wayne effective upon passage and approval by the Mayor.

EFFECT OF PASSAGE:

1. Solves continuing disagreement with EPA over the surcharge (EPA objects to the surcharge);
2. Effects release of 5 million plus federal funds to city on existing sewer construction (now being held up by EPA);
3. Effects release and use of millions of future federal funds on future sewer projects;
4. Clears the way for implementation of new rate schedules with various out of city utilities (approximately 30% increases).

EFFECT OF NON-  
PASSAGE:

Loss of millions to city in federal funds for existing and future sewer construction projects.

MONEY INVOLVED  
(DIRECT COSTS,  
EXPENDITURES,  
SAVINGS:

No direct costs. (Savings to city in millions as set forth supra).

ASSIGNED TO  
COMMITTEE:



OFFICE OF THE CITY CLERK

## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -- room 122

March 20, 1980

Public Service Commission  
of Indiana  
Indianapolis, Indiana

Dear Sir:

Enclosed please find a Resolution Number R-27-80, passed by the Common Council of the City of Fort Wayne on March 11, 1980. This resolution has become a legal instrument entered in the Journal of the Common Council, City of Fort Wayne, after it was approved and signed by the Mayor Winfield Moses, Jr. on the 13th day of March, 1980 at 9:00 A.M.

Said resolution was ordered to be mailed to, or delivered to the Public Service Commission of Indiana.

Respectfully,

*Charles W. Westerman*  
Charles W. Westerman,  
Clerk of Fort Wayne

CW:rr

Enclosure

Fort Wayne Water Pollution Control Utility  
Fort Wayne, Indiana

Statement of Funds Applied and Funds  
Available - 1979 and 1980

<u>Funds Applied</u>	Budget 1980	Actual 1979
Operation Expense	\$ 2,762,950	\$ 2,710,953
Maintenance Expenses	627,900	568,869
Taxes	164,000	144,197
Debt Service	1,062,168	1,068,348
Coverage on Debt Service	106,217	106,835
Contributions in Lieu of Taxes	331,104	315,383
To Capital Expenditures and Working Capital	<u>1,707,161</u>	<u>1,451,985</u>
Total Funds Applied	<u>\$ 6,761,500</u>	<u>\$ 6,366,570</u>

<u>Funds Available</u>		
Operating Revenues	\$ 5,800,000	\$ 5,636,919
Adjustment of Loss of Zone Surcharge Revenues	(190,000)	-0-
Net Operating Revenues	<u>5,610,000</u>	<u>5,636,919</u>
Adjustment for Decline in Industrial Revenues	(200,000)	-0-
	<u>5,410,000</u>	<u>5,636,919</u>
Interest Income	500,000	551,520
Miscellaneous Income	189,000	178,131
Interest on Recovered Grant Funds (9 Mos.)	<u>662,500</u>	<u>-0-</u>
Total Funds Available	<u>\$ 6,761,500</u>	<u>\$ 6,366,570</u>

- PRELIMINARY, UNAUDITED -

Fort Wayne Water Pollution Control Utility

Analyses of Cash Position

December 31, 1979 and 1978

	December 31	
	<u>1979</u>	<u>1978</u>
<u>Cash &amp; Investments</u>		
Bond & Interest Fund	\$ 1,591,890	\$ 1,287,710
Operation & Maintenance Fund	1,433,282	705,477
Depreciation Fund	3,257,141	3,575,338
Construction Fund	-	(234,795)
Petty Cash	<u>200</u>	<u>200</u>
Total Cash & Investments	\$ 6,282,513	\$ 5,333,930
Federal & State Grants Due	<u>5,182,131</u>	<u>4,790,059</u>
Total Cash & Grants Earned	<u>\$11,464,644</u>	<u>\$10,123,989</u>

BILL NO. S-78-06-35 (AS AMENDED)

SPECIAL ORDINANCE NO. S-155-78

AN ORDINANCE amending certain sections  
of Chapter 24 "Sewer and Sewerage Systems"  
so as to increase the rates prescribed

WHEREAS, it is necessary to increase the rates charged for use of the Water Pollution Control Service owned and operated by the City for the benefit of its inhabitants and of the inhabitants of the surrounding area who take advantage of its existence, in order to pay the increased operating expenses and other costs incidental to the operation and maintenance of the newly expanded Water Pollution Control Treatment Plant.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 24 of the Municipal Code of the City of Fort Wayne, Indiana, 1974 is amended to be and read as follows:

ARTICLE VII. USER CHARGES

701. User Volume Charges. The water usage schedule upon which charges for services rendered by the Sewer Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following user classifications and the following charges for services for each such classification:

<u>Service Charge (cents per 100 cu. ft.)</u>	<u>Class of User</u>	
	<u>Domestic</u>	<u>Manufacturing</u>
Treatment	17.8	17.8
Conveyance, Collection, Billing	17.3	11.3
Capital	11.1	8.4
Total User Charge	46.2	37.5

702. User Minimum Charges. In the event the monthly sewage service charge calculated in accordance with the water consumption schedule exhibited above does not exceed the minimum monthly charge for each class of user as set forth hereafter, user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage.



Water Meter SizeMinimum Monthly Charge

5/8 - 3/4"	\$ 2.72
1 - 1 1/2"	8.16
2"	16.65
3"	33.44
4"	55.58
6" or larger	154.39

703. User Flat Charges. In the event any user is not a metered water customer, there shall be imposed flat charge rates as follows:

Classification of CustomerMonthly Flat Charge (1)

Domestic User - Single Family Residence	\$6.70
Domestic User - Multi Family Residence	To be estimated by City
Commercial & Industrial User	To be estimated by City

(1) Subject in addition, if applicable, to zone surcharge. Estimates of monthly flat charges for multi-family residences shall be based on the number of family units accommodated by the system multiplied by the single family residence monthly charges. Estimates of monthly flat charges for commercial and industrial establishments shall be either estimated based on number of employees, manufacturing processes used and other pertinent sewer use indicators or based upon outfall measurements where available.

704. Regional Contract Sewage Treatment Charges. In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

Volume Charge (cents per 100 cu. ft.)

Treatment	17.8
Capital Charge	<u>11.1</u>
	28.9

Variable Charge (cents per 100 cu. ft.)

A variable charge for conveyance and collection costs attributable to that portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume charge.

Flat Charge

In addition to the foregoing charges based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$.50 and a monthly surveillance charge of \$75.00.

Excess Strenght of Waste Surcharge

In the event a contract customer contribution waste having a strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charge will be in effect for all waste found to be in excess of limitations:

## Cents Per Pound

Suspended Solids - (SS)	3.731
Biological Oxygen Demand - (BOD)	3.736
Phosphorus _ (P)	35.754

Capital Surcharge

In the event contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

Zone Surcharge

*would use this deleted*

~~The total of foregoing charges for which any contract customer will be liable to City hereunder may be increased by the zone surcharge rate set forth in Article IX hereafter if said contract customer qualifies by reason of location.~~

Other Provisions

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by Chapter 24, the City shall have the right to impose all charges, limitations and penalties applicable to any non-contract user served by the City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that contract customer shall agree to enact and maintain a Sewer Use Ordinance, Industrial Cost Recovery

System and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204B (1), Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U. S. Environmental Protection Agency and 40 CFR 35.905-8, 35.928-1 and 35.928-2, and 35.928-2, and 35.935-13.

705. Bulk Waste Charges.

Industrial - For all industrial waste picked up from customer and hauled in City's vehicles to plant - \$148.75 per load.

Domestic - For all domestic waste delivered to plant by customer's truck or tank - \$21.75 per load. For purposes of computing Charges hereunder, a load is defined as 1,000 gallons of tank capacity.

706. Annual Review of Service Charges. Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose will submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, and phosphorus from the sewage treatment plant influent during the previous calendar year, with the unit charges currently in effect, in order that the Board may determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

1. A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume, and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.
2. Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operating period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility operation, attributable to such class.

ARTICLE VIII. STRENGTH-OF-WASTES SURCHARGE

801. Liability for Surcharge. Each user discharging wastes into the sewerage system shall be subject to a strength of wastes surcharge,

in addition to other sewage service charges imposed by this ordinance, based on the following minimum strength characteristics to the extent that such wastes are in concentrations greater than as follows:

- a. Biochemical oxygen demand of 220 milligrams per liter
- b. Chemical oxygen demand of 440 milligrams per liter
- c. Suspended solids content of 250 milligrams per liter
- d. Phosphorus content of 10 milligrams per liter

802. Computation of Surcharge. The surcharge shall be determined as follows:

- a. The excess pounds of BOD or COD (whichever results in the higher charge, suspended solids, and phosphorus will each be computed by first multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between (a) the concentrations measured in milligrams per liter of the BOD (or COD), suspended solids, and phosphorus respectively in the user's sewage and (b) the allowed concentrations set out in paragraph 801. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in paragraph 803. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

803. Rates of Surcharge. The rate of surcharge for each of the aforementioned constituents shall be as follows:

- a. For biological oxygen demand (BOD) - 3.736 cents per pound
- b. For suspended solids (SS) - 3.731 cents per pound
- c. For phosphorus (P) -35.754 cents per pound

804. Waste Evaluation Charges. All users discharging wastes into the system requiring continuing surveillance, sampling and waste evaluation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of \$75.00 per discharge point.

805. Revision of Rates of Surcharge. Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the

Board of Public Works a comparison of the calculated unit costs for removing BOD, suspended solids, and phosphorus from the Sewage Treatment Plant influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rates of surcharge are adequate or should be changed and request legislative enactment of said changes by the Common Council.

#### ARTICLE IX. ZONE SURCHARGE

901. The charges for sewerage services rendered to users situated outside the primary zone of the City of Fort Wayne shall be 136% of the charges collected from users for the same service rendered within the primary zone as defined and described in the map attached hereto and made a part of this ordinance. The purpose of this surcharge is to recover funds contributed from civil city tax levies used heretofore to construct facilities of the sewage works located within the primary zone. This surcharge shall terminate on December 31, 1981 or after collections therefrom shall equal \$990,000.00 whichever occurs sooner.

#### ARTICLE X. BILLING OF SERVICE CHARGES

1001. Billing Period. Charges for sewerage service shall be prepared and billed by the General Office of the City Utilities along with the bills for water service and shall be payable at the General Office at the same time as the water bills.
1002. Liability for Payment. The charges for sewerage service shall be billed to the person being billed for water service unless, by contract with the Utility, another person assumes such responsibility. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant as herein required. Such owner shall have the right to examine the City's collection records to ascertain whether such charges have been paid.
1003. First Billings. The rates, charges and surcharges fixed in this ordinance shall be extended to and cover any additional premises hereafter served without the need for any hearing or notice. If the first billing to a new user covers a period other than a full billing month, then the service charges for such billing shall be made in keeping with standard practice in the Water Utility. Subsequent sewerage service billings shall be for period coinciding with the billing periods for water service. If such rates, charges and/or surcharges are changed, the first billing after such change may also

be for a period other than a full billing month in order to keep the sewerage billing periods coincident with the water billing periods.

1004. City Subject to Charges. For sewerage service rendered to the City, the City shall be subject to the same rates and charges herein established for other persons or to rates and charges established in harmony herewith.
1005. Consolidation of Accounts. Where an industrial, commercial or other non-residential enterprise is operating in a unified manufacturing or service area composed of two or more contiguous parcels of real estate and is supplied with water through two or more meters, upon application by the owner or his authorized agent, a consolidation of the water meter readings shall be made for the purpose of calculating the sewerage charge.

SECTION 2. That this Ordinance shall be in full force and effect upon passage and approval by the Mayor.

Paul M. Burns  
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt,  
Stier, Talarico

Nays: None

Abstained: One  
Burns

Date: 9-12-78

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-155-78 on the 12th day of September, 1978.

ATTEST:

(SEAL)

Charles W. Westerman  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on

the 13th day of September, 1978, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 15th day of September, 1978, at the  
hour of 3:30 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor